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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,728

04/06/2006

David Kren

042933/387118

1904

10949

7590

01/31/2011

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EXAMINER

HOANG, PHUONG N

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

01/31/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/574,728	Applicant(s) KREN, DAVID	
	Examiner PHUONG N. HOANG	Art Unit 2194	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1 - 18 and 20 - 35.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Hyung S. SOUGH/
 Supervisory Patent Examiner, Art Unit 2194
 01/27/11

/P. N. H./
 Examiner, Art Unit 2194

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued for claim 1 that the specification disclosed that "the parser is insulated from having to talk to a data source...This de-couples the parser or generator from the data sources" (page 8 first paragraph) and "when the claims are read in light of the specification, simply indicating that components may be plugged in and out does not correlate to the concept of decoupling the specification (paragraph 0055), Kushnirskiy does not cure the deficiency of Langer (last paragraph of page 8).

In response, it is the combination of Langer and Kushnirskiy, not any alone, teaches the claimed invention. As pointed out above, Langer teaches the argued claimed limitation., since the plug-in components can be easily added to or removed from the extensive framework (... "extensive plug-in framewrok which allows plug-in components to be easily added to the framework. Typicall plug-ins covers different parsers"..., page4 lines 6 - 10), and it is plugged-in and out on top of the generic API (... "plugged in and out"..., page 7 lines 4 - 5) and access to the framework through the generic API (... "Simple API for XML (SAX)"..., page 6 lines 25 - 30); therefore, it decouples said parser or generator from the data sources.

Applicant argued that Fry does not cure the deficiencies of Langer and Kushnirskiy, dependent claims 11 - 13, 15 - 17, 20, 30 -32, and 34 - 35 are patentable over the cited combination (paragraph 2 of page 9).

In response, as response above for claim 1, Langer and Kushnirskiy teaches the claimed limitation for claim 1. Therefore, dependent claims 11 - 13, 15 - 17, 20, 30 -32, and 34 - 35 are rejected for the same reason above.

Applicant repeated the argument of claim 1 for claims 14 and 33.
In response, examiner refers the response for the claim 1 above.

Applicant repeated the argument of claim 1 for claims 9 and 28.
In response, examiner refers the response for the claim 1 above.